

Amendment No. 1 to SB0859

Briggs  
Signature of Sponsor

**AMEND Senate Bill No. 859**

**House Bill No. 869\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 58-2-101, is amended by adding the following as a new subdivision:

( ) "Public health emergency" means an occurrence or the imminent threat of an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or a novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.

SECTION 2. Tennessee Code Annotated, Title 58, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding any law to the contrary, this section applies to a public health emergency. A provision of law relating to emergency management that does not conflict with this section applies to public health emergencies. If a state of emergency is declared both for a public health emergency and any other type of emergency or disaster, this section applies to that state of emergency.

(b)

(1) The governor shall not declare a state of emergency or issue an executive order in response to a public health emergency that extends for more than one hundred (100) days.

(2) If the governor wishes to extend a state of emergency or executive order longer than one hundred (100) days, the governor shall seek approval of the extension from the general assembly. The general assembly may grant an

extension by the passage of a joint resolution, with the duration of the extension in the discretion of the general assembly.

(3) If the general assembly is not in session when the governor wishes to extend a state of emergency or executive order, the governor shall call the general assembly into special session for that purpose. The governor shall call for the special session no earlier than thirty (30) days and no later than fifteen (15) days prior to the expiration of a state of emergency or executive order.

(4) If the general assembly cannot pass a joint resolution granting an extension upon the governor's request, the governor may extend the state of emergency or executive order for one hundred (100) days.

(c) The general assembly may end a state of emergency that is based on a public health emergency at any time by the passage of a joint resolution.

(d) Within twelve (12) hours after the governor declares a state of emergency based on a public health emergency, the governor shall provide the speaker of the senate, the speaker of the house of representatives, and the majority and minority leader of each house a statement detailing the need for the declaration and the expected duration of the declaration.

(e) After the initial declaration of a state of emergency, the governor shall inform and consult with the speaker of the senate, the speaker of the house of representatives, and the majority and minority leader of each house at least twelve (12) hours prior to issuing an executive order or other major change in policy in response to the public health emergency.

(f) The governor shall provide a fiscal assessment of the anticipated expenditures that may be incurred due to the declared state of emergency and an executive order issued during the state of emergency to the finance, ways and means committees and the government operations committees of the senate and the house of representatives:

(1) Within twelve (12) hours after the governor declares a state of emergency based on a public health emergency;

(2) At least twelve (12) hours prior to issuing a subsequent executive order in response to the public health emergency; and

(3) For the duration of the state of emergency, at least biweekly after the declaration of the state of emergency.

(g) The comptroller of the treasury and the finance, ways and means committees of each house shall review all contracts entered into and all bids accepted during a state of emergency declared in response to a public health emergency.

SECTION 3. The judiciary committee of the senate and the civil justice committee and criminal justice committee of the house of representatives shall jointly conduct a study of the response by the judicial branch to the COVID-19 pandemic. The study committee shall provide a report, along with any legislative recommendations, to the members of the general assembly no later than January 1, 2022.

SECTION 4. Section 1 and Section 2 of this act take effect January 1, 2026, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.